

I want to take this opportunity to comment on the proposed rule regarding BAC and withholding Federal-aid highway funds from states that fail to enact a 0.08 BAC legislation. After reading the proposed rules, and the supplemental information I am in favor of this rule. Having the great fortune of personally being unaffected by alcohol related tragedies, I am able to render an unbiased opinion in regards to the BAC proposal. I believe it is in the best interest of the citizen's of the USA to have BAC 0.08 legislation in place. In fact, I would offer that 0.08 is still rather conservative after reading the laboratory results comparing BAC and impairment to operate a motor vehicle. I deduce that to drastically affect alcohol related accidents the BAC standard should actually be around 0.05. I understand that it is better to approach such issues in stages, as BAC's nationwide have been as high as 0.10 or higher and transitioning to a BAC of 0.08 is quite a step. If the idea here is to decrease alcohol related accidents and deaths, I would pose the question of why legislative legitimacy of alcohol checkpoints has not been addressed?

The only criticism that I have of the proposed rule is that the penalty of failing to comply is actually reasonably lax. I understand the massive amounts of money that we are talking about, but in the grand scheme of things 2% of a state's Federal-aid budget is not all that much percentage wise to open the eyes of state legislators. Beyond that, the penalty is capped at 8%, which is still potentially a large sum of money, but percentage wise is still a manageable number. I wonder if the idea was not to actually force the states to comply by using large percentage penalties, but rather to make the penalty just enough of an irritant to a state that eventually it would conform in order to stop the irritation? A state might view the 2-8% penalty as an acceptable cost in order to not pass the 0.08 BAC legislation hurting the people of that state by potentially having more alcohol related accidents than the national mean, and also hurting the people of that state by causing a burden upon them to either accept worsening road conditions, or a state tax hike in order to offset the 2-8% penalty.

I appreciate the opportunity to offer my opinion on this important rule, and hope to see the direct decline in alcohol related traffic accidents as is predicted.

Sincerely,

James R Earp